

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Thomas G. Moody,

Plaintiff,

v.

Case No. 2:18-cv-72

Mr. Evans, et al.,

Defendants.

OPINION AND ORDER

This is a civil action brought under 42 U.S.C. §1983 by plaintiff, an Ohio state inmate, against two employees of the Ohio Department of Rehabilitation and Correction. In an order filed on March 12, 2018, the court adopted the initial screen report and recommendation of the magistrate judge and dismissed this action pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(h)(3) for failure to state a claim for which relief may be granted. A judgment dismissing this case was also filed on March 12, 2018. On March 20, 2018, plaintiff submitted a memorandum arguing that the judgment is void. In an order entered on March 21, 2018, the court considered this filing as a motion for relief from judgment pursuant to Fed. R. Civ. P. 60(b)(4), and denied the motion.

On March 30, 2018, plaintiff filed a document entitled "STATEMENT OF AUTHORITY" which also contained the notation "INRE: SUMMARY JUDGMENT" in the caption. This filing was placed on the docket as a motion to reconsider the order of March 21, 2018 (Doc. 14). Insofar as this filing was intended to advance objections to the magistrate judge's report and recommendation, it is untimely. If construed as a motion to reconsider the order of March 21, 2018,

this filing contains no new argument or information which would provide a basis for reconsideration of this court's previous order. The motion to reconsider (Doc. 15) is denied.

Date: April 2, 2018

s/James L. Graham
James L. Graham
United States District Judge